

OFFICIAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter A. Quigley et al.

Serial No.: 10/051,624

Filed: January 18, 2002

For: Composite Spoolable Tube with  
Sensor

FAX RECEIVED

Art Unit: 1771

JUL 03 2003

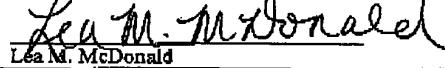
Examiner: E. Cole

TC 1700

Atty. Docket: FPY-048.03 (22823-4803)

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile (703) 872-9510, Attn: Examiner Elizabeth M. Cole, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: July 2, 2003.

  
Lea M. McDonald

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Office Action dated April 4, 2003, Applicant submits the following remarks. Claims 47-97 are pending in the application.

*Double Patenting Rejection of Claims 47-97*

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claim 1 of U.S. Patent No. 6,016,845.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,148,866.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

20/554119.1

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FPY-048.03  
Art Unit 1771

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,286,558.

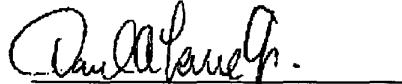
Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

*Conclusion*

In view of the arguments set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (617) 832-1197.

Respectfully submitted,

FOLEY HOAG, LLP



David A. Lane, Jr.,  
Registration No. 39,261  
Attorney for Applicants

Date: July 2, 2003

Customer Number 25181  
Patent Group  
Foley Hoag  
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**FOLEY  
HOAG LLP**  
ATTORNEYS AT LAW

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**Date:** July 2, 2003

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**Client Matter#:** 22823-4803

**From:** David A. Lane, Jr. **Sender's Number:** 1197 **User #:**

**Total Pages Sent (Including Cover Sheet):** 8 **Office:** Boston

**Message**

Transmitted herewith in connection with U.S.S.N. 10/051,624 are the following documents:

Transmittal Form (1 pg);  
 Fee Transmittal Form (1 pg);  
 Response (2 pgs);  
 Terminal Disclaimer re: Pat. No. 6,016,845 (1 pg);  
 Terminal Disclaimer re: Pat. No. 6,148,866 (1 pg);  
 Terminal Disclaimer re: Pat. No. 6,286,558 (1 pg); and  
 this cover sheet.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

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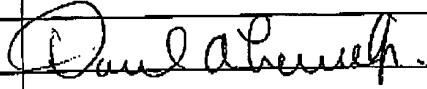
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/051,624
		Filing Date	January 18, 2002
		First Named Inventor	Peter A. Quigley
		Group Art Unit	1771
		Examiner Name	E. Cole
Total Number of Pages in This Submission		Attorney Docket Number	FPY-048.03 (22823-4803)

JUL 03 2003

TC 1700

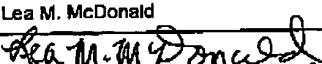
ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application.  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____			
	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Terminal Disclaimer re: Pat. No. 6,016,845 - Terminal Disclaimer re: Pat. No. 6,148,866 - Terminal Disclaimer re: Pat. No. 6,286,558 - Fax Cover Sheet			
	Remarks	Customer No 25181		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	David A. Lane, Jr., Reg. No. 39,261
Signature	
Date	July 2, 2003

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Typed or printed name	Lea M. McDonald
Signature	
Date	July 2, 2003

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## FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 330.00)

Complete if Known

Application Number 10/051,624

Filing Date January 18, 2002

First Named Inventor Peter A. Quigley

Examiner Name E. Cole

Group / Art Unit 1771

JUL 03 2003

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Attorney Docket No. FPY-048.03 (22823-4803)

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)			
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number 06-1448, Ref. FPY-048.03				<b>3. ADDITIONAL FEES</b> Large Entity Small Entity Fee Code (\$ Fee Code (\$ Fee Description Fee Paid 105 130 205 65 Surcharge - late filing fee or oath 127 50 227 25 Surcharge - late provisional filing fee or cover sheet. 139 130 139 130 Non-English specification 147 2,620 147 2,620 For filing a request for reexamination 112 920* 112 920* Requesting publication of SIR prior to Examiner action 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action 115 110 215 55 Extension for reply within first month 116 400 216 200 Extension for reply within second month 117 920 217 460 Extension for reply within third month 118 1,440 218 720 Extension for reply within fourth month 128 1,950 228 980 Extension for reply within fifth month 119 320 219 160 Notice of Appeal 120 320 220 160 Filing a brief in support of an appeal 121 280 221 140 Request for oral hearing 138 1,510 138 1,510 Petition to institute a public use proceeding 140 110 240 55 Petition to revive - unavoidable 141 1,280 241 640 Petition to revive - unintentional 142 1,280 242 640 Utility issue fee (or reissue) 143 460 243 230 Design issue fee 144 620 244 310 Plant issue fee 122 150 122 120 Petitions to the Commissioner 123 50 123 50 Processing fee under 37 CFR 1.17 (q) 126 180 126 180 Submission of Information Disclosure Stmt 581 10 681 40 Recording each patent assignment per property (times number of properties) 146 740 245 370 Filing a submission after final rejection (37 CFR § 1.129(a)) 149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) 179 740 278 370 Request for Continued Examination (RCE) 189 800 160 960 Request for expedited examination of a design application			
FEE CALCULATION							
<b>1. BASIC FILING FEE</b> Large Entity Small Entity Fee Code (\$ Fee Code (\$ Fee Description Fee Paid 101 740 201 370 Utility filing fee 106 330 205 165 Design filing fee 107 510 207 255 Plant filing fee 108 740 208 370 Reissue filing fee 114 160 214 80 Provisional filing fee							
SUBTOTAL (1) (\$ 0)							
<b>2. EXTRA CLAIM FEES</b> Total Claims <input type="text"/> - ** = 0 X <input type="text"/> = 0 Independent Claims <input type="text"/> - ** = 0 X <input type="text"/> = 0 Multiple Dependent <input type="text"/> X <input type="text"/> = 0							
Large Entity Small Entity Fee Code (\$ Fee Code (\$ Fee Description 103 18 203 9 Claims in excess of 20 102 84 202 42 Independent claims in excess of 3 104 280 204 140 Multiple dependent claim, if not paid ** Reissue independent claims over original patent 109 84 209 42 ** Reissue claims in excess of 20 and over original patent 110 18 210 9							
SUBTOTAL (2) (\$ 0)							
*Or number previously paid, if greater; For Reissues, see above							
Other fee (specify) Three Terminal Disclaimers SUBTOTAL (3) (\$ 330)							
*Reduced by Basic Filing Fee Paid							

SUBMITTED BY		Complete if applicable			
Name (Print/Type)	David A. Lane, Jr.	Registration No. Attorney/Agent	39,281	Telephone	617-832-1197
Signature	<i>David A. Lane Jr.</i>		Date	July 2, 2003	

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